

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARIO WILSON,

Plaintiff,

v.

POOR,

Defendants.

Case No. 3:19-cv-05920-BHS-TLF

ORDER

This matter comes before the Court on the following motions: (1) plaintiff's motion for supplemental pleading (Dkt. 103); (2) plaintiff's motion to stay (Dkt. 106); (3) plaintiff's motion for summary judgment (Dkt. 117); and (4) plaintiff's motion for extension of time (Dkt. 124).

1. Plaintiff's Motion for Supplemental Pleading

On January 27, 2023, plaintiff filed a motion for supplemental pleading pursuant to Federal Rule of Civil Procedure 15(2)(d). Dkt. 103. In his motion, plaintiff reiterates that the Court should grant his motions for temporary restraining order. *Id.* Thus, the Court interprets plaintiff's motion instead as another motion for temporary restraining order. The undersigned issued a Report and Recommendation on February 9, 2023, recommending that the Court deny plaintiff's motions. See Dkt. 111. For the same reasons relied on in the Report and Recommendation, the Court should DENY the instant motion.

1 2. Plaintiff's Motion to Stay and Plaintiff's Motion for Extension of Time

2 On January 31, 2023, plaintiff filed a motion to stay proceedings until he received
3 his legal materials. Dkt. 106. In plaintiff's motion for extension of time to respond to
4 defendant's motion to strike plaintiff's motion for summary judgment (Dkt. 124), he
5 states that he, currently, does not have access to his materials because he resides in
6 segregated housing after staff allegedly found a weapon in his unit. Thus, it appears he
7 will have access to his legal materials but this is a temporary situation where he cannot
8 access them.

9 Given this, and the fact that both the end of discovery and the dispositive motion
10 deadline have long passed (Dkt. 70), the Court finds that there is no good cause to stay
11 this case. Plaintiff's motion to stay is, therefore, DENIED.

12 With respect to plaintiff's motion for extension of time, defendant has objected to
13 this on the grounds that this case has been ongoing now for four years and plaintiff's
14 frequent extension requests continue to cause delay; plaintiff is currently in segregated
15 housing due to his own misconduct. Dkt. 125. Considering plaintiff's housing situation
16 and defendant's objection, the Court will grant plaintiff a *limited* extension to respond to
17 defendant's motion to strike. Plaintiff will have until **April 19, 2023**, to respond to the
18 motion to strike.

1 Plaintiff's motion for an extension of time is therefore GRANTED. The Clerk is
2 instructed to re-note defendant's motion to strike (Dkt. 122) to April 21, 2023.

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4 Dated this 7th day of April, 2023.

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8 Theresa L. Fricke
9 United States Magistrate Judge
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